

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ARCTIC CAT, INC. and ARCTIC CAT
SALES INC.,

Civil No. 13-3579 (JRT/FLN)

Plaintiffs,

**ORDER ON REPORT
AND RECOMMENDATION**

v.

POLARIS INDUSTRIES INC., *a*
Minnesota Corporation, and POLARIS
INDUSTRIES, INC., *a Delaware*
Corporation,

Defendants.

John C. Adkisson, Joseph A. Herriges, and Ann N. Cathcart Chaplin, **FISH & RICHARDSON PC**, 60 South Sixth Street, Suite 3200, Minneapolis, MN 55402, for plaintiffs.

Dennis C. Bremer, William F. Bullard, Alan G. Carlson, and Samuel T. Lockner, **CARLSON, CASPERS, VANDENBURGH, LINDQUIST & SCHUMAN, PA**, 225 South Sixth Street, Suite 4200, Minneapolis, MN 55402, for defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated May 14, 2015, all the files and records, and no objections having been filed to said Report and Recommendation,

Based upon the foregoing and all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Arctic Cat's motion to compel Polaris to reduce its asserted claims (ECF No. 77) is **DENIED** without prejudice. The Court additionally **ORDERS** that the parties shall meet and confer in order to agree on an appropriate time

for claim reduction, taking into account the fact that this Court concludes claim reduction at the present time is premature, but reduction after claim construction is too late in the litigation. In the event the parties cannot come to an agreement, the parties must submit to the Court their respective proposals on when claim reduction should occur, and the Court will then make a decision as to the proper timing of claim reduction.

DATED: June 11, 2015
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge